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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15
16 UNITED STATES OF AMERICA,) CR No. 09-70015 EDL
17 Plaintiff,) STIPULATION AND [PROPOSED] ORDER
18 v.) EXCLUDING TIME UNDER FED. R. CRIM.
19 VINCENT MERTES,) P. 5.1 and 18 U.S.C. § 3161
20 Defendant.)
21

22 On February 24, 2009, the parties in this case requested via written stipulation, and the
23 Court agreed, to set the date for the defendant's preliminary hearing or arraignment on March
24 20, 2009. The parties now request that the Court change the date for the defendant's preliminary
25 hearing or arraignment to April 9, 2009. The parties also request that pursuant to Federal Rule
26 of Criminal Procedure ("FRCP") 5.1(d), the time limits set forth in FRCP 5.1(c) be extended
27 through April 9, 2009. The parties agree that, taking into account the public interest in prompt
28 disposition of criminal cases, good cause exists for this extension.

STIP. & [PROPOSED] ORDER EXCL. TIME
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1 The defendant also agrees to exclude for this period of time any time limits applicable
2 under 18 U.S.C. § 3161. The parties represented that granting the continuance was the
3 reasonable time necessary for effective preparation of defense counsel. 18 U.S.C. §
4 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a
5 continuance outweighed the best interests of the public and the defendant in a speedy trial. 18
6 U.S.C. § 3161(h)(8)(A).

7 | SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: March 13, 2009

/s/

TAREK J. HELOU
Assistant United States Attorney

DATED: March 13, 2009

/s/

ANTHONY BRASS
Attorney for VINCENT MERTES

For the reasons stated above, the Court finds that the extension of time for the defendant's preliminary hearing or arraignment through April 9, 2009 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161 (h)(8)(A); FED. R. CRIM. P. 5.1(d). The failure to grant the requested continuance would deny the defendant effective preparation of counsel, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

SO ORDERED.

DATED: 3/18/09

THE HONORABLE EDWARD M. CHEN
United States Magistrate Judge